

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

INFORMATION ASSOCIATED WITH A FORENSIC
RESULTS OF A BLACK iPhone, MODEL: A1661, FCC
ID: BCG-E3Q87A, IC: 579C-E3087 THAT IS STORED AT
THE FOND DU LAC POLICE DEPARTMENT LOCATED
AT 126 N. MAIN ST, FOND DU LAC, WI, 54935

Case No. 17 M065

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

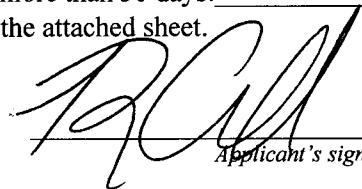
The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 18 U.S.C. § 922(g), 18 U.S.C. § 922(d), 18 U.S.C. § 922(a)(6), 21 U.S.C. § 841(a) (1)

The application is based on these facts: See attached affidavit.

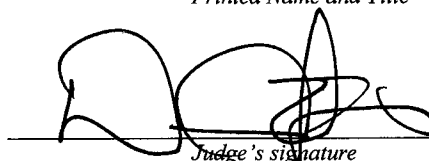
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Special Agent Ryan Arnold, ATF
Printed Name and Title

Sworn to before me and signed in my presence:

Date: June 8, 2017


Judge's signature

City and State: Milwaukee, Wisconsin

Honorable David E. Jones, U.S. Magistrate Judge
Printed Name and Title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Ryan Arnold, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for authorization to review forensic results and reports associated with a black iPhone, Model: A1661, FCC ID: BCG-E3Q87A, IC: 579C-E3087, associated with Fond du Lac Police Department (FDLPD) Inventory No. 22 (herein referred to as Device A), and a blue Verizon Samsung flip phone, Model: SM-B311V, SKU: SMB311VZPP, FCC ID: A3LSMB311V, MEID HEX: A00000475A0080, associated with FDLPD Inventory No. 22 (herein referred to as Device B). Device A and Device B were recovered on April 12, 2017 during the arrest of Shakie L. Davis (DOB: 11/15/1994), at W6854 Blue Heron Boulevard, Apartment #16, Fond du Lac, Wisconsin. The Lake Winnebago Area Metropolitan Enforcement Group (LWAM) did the arrest. Davis was subsequently charged in Fond du Lac County Case 17-CF-230 for the following State of Wisconsin violations:

- Possession with intent to deliver heroin
- Possession with the intent to deliver cocaine
- Manufacturing and delivery of cocaine
- Maintaining a drug trafficking place

2. Local law enforcement agents obtained a search warrant to search Device A and Device B, and the forensic results of Device A and Device B are currently stored

at the Fond du Lac Police Department, located at 126 N. Main Street, Fond du Lac, WI.

It is believed that the forensic results of these cellphones may contain evidence of violations of 18 U.S.C. § 922(g) (possession of firearm by prohibited person), 18 U.S.C. § 922(d) (sale or transfer of firearm to a prohibited person), 18 U.S.C. § 922(a)(6) (False statement as to material fact to FFL), (21 U.S.C. § 841(a) (1) (manufacture, dispense, disperse a controlled substance). As a result, a request is submitted for a search warrant to review the forensic results of these devices. The information to be searched is described in the following paragraphs and in Attachment A.

3. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since April 2015. As an ATF Agent, I have participated in numerous investigations regarding the unlawful possession of firearms by convicted felons. I have also conducted investigations related to the unlawful use of firearms, firearms trafficking, drug trafficking, and arson.

4. Prior to my employment with ATF, I was a Special Agent with the United States Secret Service (USSS) for approximately 5 years. My duties included providing and planning dignitary protection, drafting and executing Federal search warrants, investigations of organized crime networks, investigations of threats against USSS protectees, fraud networks, counterfeit currency investigations, and other financial crime investigations.

5. Before my tenure with the USSS, I served as a police officer with the Chicago, Illinois, Police Department (CPD). During part of my career as a CPD Officer, I was assigned to the Organized Crime Division-Gang Enforcement Unit. My

responsibilities included the investigations of street gangs, narcotics distribution, firearms violations, robbery, home invasions, operating in an undercover capacity, and the authoring and execution of search warrants.

6. Furthermore, Your Affiant knows from training and experience it is common for drug users and drug dealers to communicate via cellular phone through a variety of electronic media. It also common for firearm traffickers and straw buyers to communicate through cellular phones and electronic media. Many times drug dealers also act as firearms traffickers by utilizing the non-prohibited status (no felony convictions) of drug users to obtain firearms. In turn, these firearms are used by the drug trafficking organization to protect and secure their goods and territory. The participants in these organizations can use text (SMS) messaging, phone calls, electronic mail, messaging applications, and various social media applications such as Facebook or Twitter. Furthermore, I know that Device A and Device B have the capability to use these applications and programs. Device A and Device B are also devices that can document the historical location of a cellular phone through Global Positioning System (GPS) technology. This could provide useful information into this investigation.

7. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that the forensic results from the Fond du Lac Police Department for Device A and Device B have evidence of crimes committed in violation of 18 U.S.C. § 922(g) (possession of firearm by prohibited person) , 18 U.S.C. § 922(d) (sale or transfer of firearm to a prohibited person), 18 U.S.C. § 922(a)(6) (False statement as to material fact to FFL), 21 U.S.C. § 841(a) (1) (manufacture, dispense,

disperse a controlled substance). The forensic results from Device A and Device B are contained within FDLPD/LWAN generated reports, which are easily transferrable to an electronic storage device. The forensic results detail the contents of the cellphones and were seized after FDLPD/LWAN obtained a state search warrant. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

8. The forensic results from Device A and Device B contain items such as, but not limited to: call logs, phonebooks, saved usernames and passwords, text messages, emails, videos, documents, Internet browsing history, deleted, edited and current forms of these items, evidence of user attribution showing who used or owned the devices at the time the things described in this warrant were created, edited, or deleted, such as call logs, phonebooks, saved usernames and passwords, text messages, emails, videos, documents, and Internet browsing history, device information, GPS coordinates or device location, any external memory device such as, but not limited to, SIM cards, and as used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of electronic storage and any photographic form.

9. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable

cause for the requested warrant and does not set forth all of my knowledge about this matter.

II. IDENTIFICATION OF ITEMS TO BE SEARCHED

10. The information associated with a black iPhone, Model: A1661, FCC ID: BCG-E3Q87A, IC: 579C-E3087, associated with Fond du Lac Police Department (FDLPD) Inventory No. 22 (herein referred to as Device A).

11. The information associated with a blue Verizon Samsung flip phone, Model: SM-B311V, SKU: SMB311VZPP, FCC ID: A3LSMB311V, MEID HEX: A00000475A0080, associated with FDLPD Inventory No. 22 (herein referred to as Device B).

12. The applied-for warrant would authorize the search and recovery of evidence particularly described in Attachment B.

PROBABLE CAUSE

13. Your Affiant learned of possible violations of 18 U.S.C. § 922(g) (possession of firearm by prohibited person), 18 U.S.C. § 922(d) (sale or transfer of firearm to a prohibited person), 18 U.S.C. § 922(a)(6) (False statement as to material fact to FFL), 21 U.S.C. § 841 (a)(1) after Affiant reviewed the ATF eTrace database and discovered unusual activity connecting Chicago, Illinois and Fond du Lac, Wisconsin through traced firearms. Affiant knows from information published by the ATF's Violent Crime Analysis Branch (as of June 16, 2016) the national average for a gun to be recovered in a crime by law enforcement after the original purchase date is 10.48 years (also known as "time to crime"). Additionally, the average time to crime of firearms in

Illinois is 11.81 years and 8.18 years in Wisconsin. Affiant discovered several people who received firearms from Federal Firearms Licensees (FFLs) that were later recovered in crimes in the Chicago area; the time to crime was smaller than the average time to crime. In particular, firearms purchased by Justin Norton, Michael Ackley, Corey Donaldson, Michael Warner, Timothy Grossman, and Nicholas Devries, Sr., were transferred firearms by FFLs that were ultimately recovered by law enforcement in or near the west side of Chicago.

14. Affiant knows from training and experience that a short time to crime can be an indicator of firearms trafficking. Furthermore, Affiant also knows from training and experience that Wisconsin is a source state for firearms trafficked to Chicago. It is common for firearms to be purchased at FFLs by "straw buyers" to later be exchanged for money, illegal drugs, or other goods. A "straw buyer" is terminology used to describe a subject who purchases a firearm with the intent to provide the firearm to a second individual who is often prohibited from purchasing or possessing firearms. The transaction is usually described as a "straw purchase." The "straw purchase" is typically performed to conceal the identity of the true possessor of the firearm.

15. Affiant also discovered that a portion of the traced firearms that I was investigating linked to firearm recoveries in Chicago and to gang members from the following gangs: Four Corner Hustlers, Vice Lords, and Gangster Disciples. Additionally, many of these firearms were recovered in a similar geographic location on the west side of Chicago where the above gangs are known to operate. Your Affiant knows that the aforementioned gangs are some of the largest street gangs in Chicago.

Additionally, Affiant knows from training and experience that the Four Corner Hustlers and Vice Lords are historically allied and are aligned under the People Nation alliance. Therefore, it is not uncommon for the two gangs to operate in concert.

16. Your Affiant knows from training and experience that geographic redundancy can be a strong indication of firearms trafficking. To illustrate, when firearms originate from a concentrated geographic location and are recovered by law enforcement in a second concentrated geographic location, this can be indicator of an organized, illegal firearms trafficking organization. In this instance, Affiant has identified numerous firearms purchased by residents in the Fond du Lac area that have been recovered on the west side of Chicago and the near western suburbs.

17. Your Affiant also knows from training and experience that the movement of the firearms over numerous jurisdictions is a common strategy utilized by criminal organizations to avoid detection by law enforcement and any subsequent investigations. Furthermore, the movement of firearms over a vast distance can also be indicative of an illegal drug trade route.

FIREARMS RELATED TO JUSTIN NORTON

18. During the review of suspicious firearm traces, Affiant discovered that Justin Norton (DOB: 07/15/1988) of Fond du Lac, WI, purchased at least ten (10) firearms during 2016. These firearms were transferred from FFLs Mills Fleet Farm located at 629 Rogersville Road, Fond du Lac, WI and Midwestern Shooter's Supply located at 191 Church Street, Lomira, WI. Of these firearms, the following three (3) were recovered on the west side of Chicago:

- **Firearm 1:** Springfield model XD, 9mm pistol displaying serial number XD824759 transferred to Norton on 08/25/2016 (herein referred to as Firearm 1)
- **Firearm 2:** Smith & Wesson, model SD40VE, .40 caliber pistol displaying serial number FXT4223 transferred to Norton on 08/16/2016 (herein referred to Firearm 2)
- **Firearm 3:** Glock, model 23, .40 caliber pistol, displaying serial number BBTE120, transferred to Norton on 05/14/2016 (herein referred to Firearm 3)

FIREARM 1

19. On October 17, 2016, Firearm 1 was recovered by the Chicago Police Department (CPD) at 1524 N. Lawler Avenue, Chicago. CPD recovered the firearm after a parole officer was provided information that Firearm 1 was located in a garbage can near the above address. This recovery occurred 50 days after it was purchased by Norton in Wisconsin.

20. Subsequent to the recovery of Firearm 1, CPD tested Firearm 1 and entered it into the Integrated Ballistics Identification System (IBIS) to determine if it could be linked to other criminal incidents. CPD was able to utilize the IBIS testing to correlate Firearm 1 to the following incidents:

- **Incident 1** (CPD Report No. HZ420453): On September 4, 2016, CPD recovered ten (10) expended, 9mm Luger casings after responding to a shots fired call that resulted in the arrest of Cortaz L. Gibson (black/male/DOB: 10/02/1991 - Four Corner Hustler) at 4906 W. Crystal Street, Chicago, IL. The above 9mm casings were correlated through IBIS to Firearm 1.

- **Incident 2** (CPD Report No. HZ465660): On October 07, 2016, CPD responded to a "Person Shot" call at 5417 W. North Avenue, Chicago, IL. Lexie Pollards (DOB: 10/09/1989 - Mafia Insane Vice Lord) was struck by a bullet fired from a Lincoln Mark VIII automobile. CPD recovered seven (7) 9mm casings near the scene. These casings were correlated through IBIS to Firearm 1.

- **Incident 3** (CPD Report No. HZ474072): On October 14, 2016, CPD responded to a shots fired call at 1635 N. Austin Avenue, Chicago, IL, and recovered five (5), expended 9mm rounds. These casings were correlated through IBIS to Firearm 1.

21. Due to the above correlations through testing, the new time to crime from the purchase of Firearm 1 in Wisconsin until its first documented use in a crime was seven (7) days. Additionally, all the above incidents occurred within the boundaries of the 25th District of CPD on the west side of Chicago.

FIREARM 2

22. On December 13, 2016, Firearm 2 was recovered by CPD at 1545 S. Christiana Avenue, Chicago, Illinois in the 10th District. CPD recovered the firearm during the arrest of Derrick Watkins (DOB: 08/06/1989 - Traveling Vice Lord) for possession of firearm by felon. This recovery occurred on the near, west side of Chicago.

FIREARM 3

23. On February 22, 2017, CPD recovered Firearm 3 during the arrest of convicted felon, Jason Spinks (DOB: 06/11/1983-Four Corner Hustler), at 3859 W.

Division Street, Chicago while operating a vehicle owned by Jessica Rodriguez. A database search revealed that Rodriguez had links to addresses in Chicago and Fond du Lac. Rodriguez linked to 5233 W. Crystal Avenue, Chicago, which is located in the 25th District of Chicago on the west side of the city. Rodriguez also linked to 96 E. 2nd Street, Fond du Lac. This arrest occurred within the boundaries 25th district of CPD on the west side of Chicago.

24. After Firearm 3 was recovered by CPD, it was submitted for IBIS testing to determine if there were any correlation to Firearm 3 from previous incidents. IBIS testing determined the following correlated incidents:

- **Incident 1** (CPD Report No. HZ330036): On June 30, 2016, CPD responded to a person shot call at 5226 W. LeMoyne Street, Chicago. The victim explained that a black male with dreadlocks discharged a firearm striking her in the wrist and forearm. CPD recovered seven (7) spent 40 caliber shell casings correlated to Firearm 3, one (1) spent 9 mm shell casings from a second firearm, and four (4) spent .40 caliber shell casings from a third firearm.

- **Incident 2** (CPD Report No. HZ501395): On November 03, 2016, CPD responded to a criminal damage to vehicle call at 1235 N. Lockwood Avenue, Chicago. Upon arrival, officers observed that the victim's vehicle was struck by gunfire. CPD recovered one (1) spent .40 caliber cartridge casing correlated to Firearm 3, sixteen (16) expended .40 caliber cartridge casings from a second firearm, and fourteen (14) expended .45 caliber cartridge casings from a 3rd firearm.

25. Due to the above IBIS correlations, the new time to crime for Firearm 3 is approximately 47 days from its purchase in Wisconsin.

26. Affiant noted that the above shots fired and persons shot incidents each occurred within the boundaries of the 25th District of CPD. Additionally, the above firearms were recovered by CPD in the 10th, 11th, and 25th Districts of CPD. These districts geographically adjoin in a consecutive fashion and are located on the Chicago's west side. Affiant knows from his time as a Chicago Police Officer that these recoveries occurred in a small geographic area of Chicago.

REVIEW OF ATF FORM 4473S FOR NORTON

27. SA Arnold reviewed Norton's ATF Form 4473s, which are firearm transactions records, and discovered several telephone numbers written on the forms. SA Arnold knows from experience this is common practice for FFLs to write the telephone number of the customer on the ATF Form 4473. The following numbers were observed on Norton's forms:

- 920-204-8175
- 920-375-0336
- 920-204-9364
- 920-333-1938

FIREARM ASSOCIATED WITH CORY W. DONALDSON

28. On January 12, 2016, Cory W. Donaldson (DOB: 06/03/1990) purchased a Ruger, model SR9C, 9mm pistol, displaying serial number 336-45829 (herein referred to as Firearm 4) from FFL Mills Fleet Farm, 629 Rogersville Road, Fond du Lac, WI.

29. On August 14, 2016, CPD arrested Vester Ward (DOB: 06/25/1992, Four Corner Hustler) at 1548 N. Le Claire Avenue, Chicago, after they observed Ward in possession of Firearm 4. CPD officers recovered Firearm 4 and placed Ward into custody for violations of Illinois State Statute 720 ILCS 5.0/24-3.1-A-1, Unlawful Possession of Handgun. This firearm was recovered in the 25th District of CPD 214 days after it was purchased by Donaldson in Wisconsin.

30. Subsequent to the arrest, Firearm 4 was submitted for IBIS testing. As a result, the following incidents were correlated to the Firearm 4 being transferred to Donaldson:

- **Incident 1** (CPD Report No. HZ278908): On May 25, 2016, CPD responded to 1232 N. Lockwood Avenue, Chicago for a call of shots fired. Upon arrival, CPD found a victim who had suffered four (4) gunshot wounds to the right leg and groin. On scene, CPD recovered thirteen (13) expended 9 mm cartridge casing that were correlated via IBIS to Firearm 4. This makes the new time to crime for Firearm 4 approximately 81 days.

- **Incident 2** (CPD Report No. HZ322726): On June 25, 2016, CPD responded to a call of criminal damage to property at 4934 W. Potomac Avenue, Chicago. Officers found that a vehicle had sustained damage from gunshots. On scene, CPD recovered eleven (11) expended 9mm cartridge casings that correlated via IBIS to Firearm 4.

- **Incident 3** (CPD Report No. HZ353014): On July 17, 2016, CPD responded to a shots fired call at 5010 W Hirsch Street, Chicago to multiple shots fired. No victims or suspects were found. On scene, CPD recovered three (3) expended 9mm cartridge

casings correlated via IBIS to Firearm 4. Also recovered were two (2) expended .45 caliber cartridge casings from a second firearm, thirteen (13) expended 9mm cartridge casings from a third firearm, and twenty-five (25) expended 9mm cartridge casings from a fourth firearm.

31. Your Affiant reviewed the ATF Form 4473 for Firearm 4 and discovered that Donaldson provided a home address of W6824 Blue Heron, Boulevard, Apartment No. 2, Fond du Lac, WI for his home address. This address is in the same apartment complex and in close proximity to where Shakie Davis was arrested on April 12, 2017, by LWAM (W6854 Blue Heron Boulevard, Apartment #16, Fond du Lac, WI).

FIREARMS ASSOCIATED WITH MICHAEL R. ACKLEY

32. During the review of firearm traces, Affiant discovered that Michael R. Ackley (DOB: 09/08/1986) of Fond du Lac, WI, purchased at least ten (9) firearms from FFLs Mills Fleet Farm, 629 Rogersville Road, Fond du Lac, WI and Midwestern Shooter's Supply, 191 Church Street, Lomira, WI, between 2012 and 2014. Of these firearms, the following five (5) were recovered in or nearby Chicago:

- **Firearm 5:** Ruger, model SR40C, .40 caliber pistol displaying serial number 343-37215, transferred to Ackley on 09/20/2012 from Midwestern Shooters Supply in Lomira. Recovered by CPD on 05/22/2016 at 4038 W. Wilcox Street, Chicago with a time to crime of 1340 days.
- **Firearm 6:** Century Arms International, model Centurion 39, 7.62 caliber pistol displaying serial number 39CTM01891 transferred to Ackley on 02/23/2014 from

Mill's Fleet Farm in Fond du Lac. Law enforcement recovered Firearm 2 on 04/03/2016 at 311 Hyde Park Avenue, Bellwood, Illinois with a time to crime of 770 days.

- **Firearm 7:** Glock Model 23 Generation 4, .40 caliber pistol displaying serial number UCW267 purchased by ACKLEY on 01/05/2013 from FFL Midwestern Shooters Supply in Lomira. Recovered by ATF on 08/15/2014 at 114 S. 17th Avenue, Maywood, Illinois, with a time to crime of 587 days.

- **Firearm 8:** Glock Model 23, .40 caliber pistol displaying serial number RDL530 purchased by Ackley on 09/20/2012 from FFL Midwestern Shooters Supply in Lomira. Firearm 4 was recovered by law enforcement on 11/27/2012 at 1150 W. Roosevelt Road, Broadview, Illinois, with a time to crime of 68 days.

- **Firearm 9:** Masterpiece Arms, model MPA30T-A, 9mm pistol displaying serial number F13453 transferred to Ackley on 03/25/2012, from Midwestern Shooter's Supply in Lomira. CPD recovered Firearm 5 on 10/09/2012 at 2946 W. Walnut Avenue, Chicago with a 165 day time to crime.

33. Firearm 5 was recovered in the 11th District of CPD on the west side of Chicago.

34. Firearm 6 was recovered by law enforcement during the arrest of Derrick Craddock (DOB: 07/29/1988/Gangster Disciple) and Keshane Eli (DOB: 01/06/1995 – convicted felon) at a residence in Bellwood. During the execution of the search warrant, the entry team observed Eli reach for Firearm 6. Eli listed a home residence of 851 N. Latrobe, Chicago. This address is located in the 15th District of CPD on the west side of Chicago.

35. Firearm 7 was recovered in Maywood during an ATF during a law enforcement controlled buy from James Bryant (DOB: 05/04/1989 – convicted felon). Maywood is a nearby western suburb where street gangs from the west side of Chicago are known to exist and operate. During the operation, James was described by the confidential informant (CI) as a subject who sold firearms in and around the west side of Chicago.

36. Firearm 8 was recovered in Broadview, which is a western suburb near the west side of Chicago.

37. Firearm 9 was recovered in the 13th District of CPD during the arrest of convicted felon Kevin McCollum (DOB: 12/31/1976). The 13th district is located on Chicago's near west side.

FIREARM PURCHASED BY MICHAEL WARNER

38. On September 17, 2012, Michael Warner (DOB: 05/11/1964) purchased a Ruger, model SR40, .40 caliber pistol, displaying serial number 342-29385 (herein referred to as Firearm 10) from FFL Bill's Sporting Goods located at 724 Main Street, Lomira.

39. On April 4th, 2017, Firearm 10 was recovered by CPD from a vehicle at 10 N. Pulaski Road, Chicago during the arrest of Walter Bacon (DOB: 02/08/1993 – convicted felon - Traveling Vice Lord). This arrest occurred in the 11th District of CPD, which is located on the west side of Chicago.

FIREARMS PURCHASED BY NICHOLAS DEVRIES, SR.

40. On June 25, 2015, Nicholas Devries, Sr. (DOB: 07/10/1993) purchased a Taurus model PT845, .45 caliber pistol displaying serial number NIP14669 (herein referred to as Firearm 11) from FFL Tuffy's Outpost, 371 N. Main Street, Fond du Lac.

41. On April 4, 2016, CPD recovered Firearm 11 on at 1242 N. Spaulding Avenue, Chicago during the arrest of Tyshawn Terry. The time to crime was 314 days after purchase in Wisconsin. The location of recovery for the Firearm 11 occurred in the 15th District of CPD on the west side of Chicago.

FIREARM OF TIMOTHY J. GROSSMAN

42. On April 5, 2012, Timothy Grossman (DOB: 04/02/1991) purchased a Springfield, model XD40, .40 caliber pistol displaying serial number SD503904 (herein referred to as Firearm 12) from FFL Mills Fleet Farm in Fond du Lac.

43. On May 08, 2016, CPD recovered Firearm 12 at 130 N. Kostner Avenue, Chicago with a time to crime of 1,494 days. The location of recovery by CPD occurred in the 11th District of CPD on the west side of Chicago.

CORRESPONDENCE WITH FOND DU LAC POLICE DEPARTMENT

44. ATF Special Agents contacted FDLPD to inform them about potential straw purchasers in their jurisdiction. During this correspondence, ATF learned about the arrest of Shakie L. Davis discussed in Paragraph 1. FDLPD Officer Vance Henning informed ATF Special Agent Matthew Mason that subsequent to the arrest of Davis, FDLPD obtained a state search warrant to search the contents of Davis' cellphones, Device A and Device B. Officer Henning further informed ATF that he observed the telephone number 920-204-8175 in each of the Davis' cellphones. This is the same phone

number listed on one of Norton's ATF Form 4473 during a firearms transfer.

Additionally, Officer Henning relayed that he observed 920-204-9364 in each of Davis' cellphones. This is the known telephone number for Amber L. Schuster (DOB: 08/23/1987) who is known as Norton's former girlfriend. This telephone number was also listed on one of Norton's ATF Form 4473s.

45. Officer Henning explained to Special Agent Mason that he observed a text message in Device A from telephone number 414-839-8295 (herein referred to as Subject 1) to Davis' cellphone and to Justin Norton's cellphone number 920-375-0336. Davis' cellphone sends a photograph via text message to Subject 1 of a firearm that appears consistent with a Masterpiece Arms, model Defender, 5.7x28mm pistol. The Masterpiece Arms model Defender, 5.7x28mm pistol is a similar design to the Masterpiece Arms, model MPA30T-A, 9mm pistol displaying serial number F13453 transferred to Ackley on 03/25/2012, that was recovered by CPD on the west side of Chicago approximately 165 days after it was purchased by Ackley in Wisconsin.

46. Officer Henning also explained to Special Agent Mason that he observed another text message conversation between Davis and Subject 1. On September 18, 2016, Subject 1 sends a text message to Davis' cellphone stating, "Do you have time." Davis cellphone text replies, "what store." Subject 1 responds "Fleet Farm." Davis' cellphone text indicated to Subject 1 that he would travel to Fleet Farm.

47. Affiant knows that Fleet Farm is likely in reference to FFL Mills Fleet Farm located at 629 Rogersville Road, Fond du Lac. A significant portion of the

aforementioned firearms in this affidavit were purchased at this Mills Fleet Farm before the recoveries in or near Chicago.

48. Affiant reviewed the criminal history of Shakie L. Davis and discovered he is a convicted felon for violations of Illinois State Statutes 720 ILCS 570/402-C, Possession of Controlled Substance (Case No. 2012CR059950 - guilty verdict on 04/10/2012).

49. As of February 13, 2017, the criminal history of Shakie L. Davis listed an address of 3324 W. Le Moyne Street, Chicago. This residence is located within the 14th District of CPD, which is also on the west side of Chicago.

50. The above examples of conversations, reports, and interviews have led the Affiant to believe that Shakie L. Davis is involved in the illegal obtainment and distribution of firearms. I respectfully request to search the forensic examination reports generated by FDLPD associated with Device A and Device B, so they can be used to further investigate Shakie L. Davis for the following crimes:

- 18 U.S.C. § 922 (g) (possession of firearm by prohibited person)
- 18 U.S.C. § 922 (d) (sale or transfer of firearm to a prohibited person)
- 18 U.S.C. § 922(a)(6) (False statement as to material fact to FFL)
- 21 U.S.C. § 841(a)(1) (manufacture, dispense, disperse a controlled substance)

CONCLUSION

51. Based on the forgoing, I request that the Court issue the proposed search warrant based on the aforementioned facts.

ATTACHMENT A

Property to Be Searched

1. This warrant applies to information associated with:
 - a. A black, iPhone, Model: A1661, FCC ID: BCG-E3Q87A, IC: 579C-E3087A, associated with Fond du Lac Police Department (FDLPD) Inventory No. 22 (Device A)
 - b. A blue, Verizon Samsung flip phone, Model: SM-B311V, SKU: SMB311VZPP, FCC ID: A3LSMB311V, MEID HEX: A00000475A0080, associated with FDLPD Inventory No. 22 (Device B)
 - c. This includes all previously generated FDLPD/WLAM forensic analysis reports and findings, for Device A and Device B, that are typically generated after the forensic examination of an electronic device.

ATTACHMENT B

Particular Things to be Seized

a. All records on the devices described in Attachment A that relate to violations of 18 U.S.C. § 922(g) (possession of firearm by prohibited person), 18 U.S.C. § 922(d) (sale or transfer of firearm to a prohibited person), 18 U.S.C. § 922(a)(6) (False statement as to material fact to FFL), (21 U.S.C. § 841(a) (1) (manufacture, dispense, disperse a controlled substance):

b. Items such as, but not limited to, call logs, phonebooks, saved usernames and passwords, text messages, emails, videos, documents, and Internet browsing history. This includes deleted, edited and current forms of these items.

c. Evidence of user attribution showing who used or owned the devices at the time the things described in this warrant were created, edited, or deleted, such as call logs, phonebooks, saved usernames and passwords, text messages, emails, videos, documents, and Internet browsing history.

d. Device information.

e. GPS coordinates or device location

f. Any external memory device such as, but not limited to, SIM cards.

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of electronic storage and any photographic form.

g. The existing FDLPD forensic analysis reports and findings, for Device A and Device B, that are typically generated after the forensic examination of an electronic device. The records related to these cellphones that were previously obtained through a state search warrant.